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NATO's Military Intervention in Kosovo and the Diplomatic Alternative

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Abstract:

NATO's military intervention in Kosovo is a highly controversial issue due to its violation of the general rule in the international law that prohibits the use of force, even in the case of a humanitarian crisis. What is also unique about the Kosovo case is the fact that during this conflict the international society witnessed the first major use of destructive armed force that had been undertaken with the stated purpose of implementing UN Security Council resolutions, but without the Security Council authorization; the first major bombing campaign intended to bring a halt to crimes against humanity being committed by a state within its own borders; and the first bombing campaign of which it could be claimed that it had on its own, and without sustained land operations, brought about a major change of policy by the target government. Nevertheless, one of the major questions that inevitably come up is whether the use of military force was the only way of putting an end to the humanitarian crisis in Kosovo.

Key words: bombing campaign, diplomatic alternatives, ethnic cleansing, humanitarian intervention, KLA, KFOR, Kosovar Albanians, military intervention, NATO, Rambouillet.

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Introduction

There is no easy way for understanding NATO's military intervention in the Kosovo conflict, more precisely, the bombing campaign in 1999. The 11-week bombing campaign conducted by NATO in spring 1999 against the Federal Republic of Yugoslavia (FRY) has many claims to uniqueness. It was the first sustained use of armed force by the NATO alliance in its so-year existence; the first time a major use of destructive armed force had been undertaken with the stated purpose of implementing UN Security Council resolutions, but without Security Council authorization; the first major bombing campaign intended to bring a halt to crimes against humanity being committed by a state within its own borders; and the first bombing campaign of which it could be claimed that it had on its own, and without sustained land operations, brought about a major change of policy by the target government. All these factors together make "NATO's air strikes on Serbia one of the most significant aspects of Western intervention in the Balkans at the end of the twentieth century." (Williams, 2001:4).

The official claim is that NATO's actions were "driven by concerns about the human rights situation in Kosovo and the implications of a further escalation of the latent conflict there" (Williams, 2001:79). On the other hand, there is a second view which states that beyond these, there were other reasons, of a more complex, strategic nature. "It has been argued that NATO's military intervention was dictated predominantly by the need to establish a new role for itself in the post-Cold War conflict. Events in Kosovo, it is alleged, proved the ideal opportunity to do so. Supporters of this point of view point to a perceived implacable stance adopted by NATO with regard to Milosevic in March 1999 and its refusal to pursue a diplomatic solution, preferring instead to impose terms it new there were too humiliating for Serbs to accept." (Williams, 2001:4).

One thing is sure: NATO's air strikes on Serbia marked one of the most significant aspects of Western intervention in the Balkans at the end of the twentieth century.

The questions that inevitably arise when we talk about the Kosovo conflict are the following: What were NATO's objectives? Why did NATO use force? Should NATO have used force? What other alternatives were available, if there were any?

Before going into the debate concerning the diplomatic alternatives, it would be useful to clarify the idea of "humanitarian intervention" and how this applies to NATO's intervention in Kosovo.

NATO's Humanitarian Intervention in Kosovo

NATO's 11-week bombardment has been widely characterized as a "humanitarian intervention". NATO leaders were reluctant to call their action 'war'. However, it was war - albeit war of a peculiarly asymmetric kind. It indisputably involved large scale and opposed use of force against a foreign state and its armed forces. Because it was justified principally in terms of stopping actual and anticipated Serb killings and expulsions in the Serbian province of Kosovo, the campaign was sometimes colloquially called a 'humanitarian war'.

Throughout the air campaign, NATO leaders repeatedly emphasized five objectives which Yugoslav President Slobodan Milosevic was required to accept: a verifiable cessation of all combat activities and killings; withdrawal of Serb military, police and paramilitary forces from Kosovo; the deployment of an international military force; the return of all refugees and unimpeded access for humanitarian aid; and a political framework for Kosovo building on the Rambouillet Accords

According to Aleksandar Jokić, "NATO's humanitarian bombs killed between 500 and 1800 civilians and wounded thousands more. They hit not only military forces and facilities, but also destroyed Yugoslavia's entire public infrastructure, inflicting an estimated \$ 4 billion of damage on bridges, highways, railroads, civilian airports, hospitals, schools, oil refineries, factories, construction equipment, media centers, apartment buildings, houses, buses, electrical plants, and hundreds of acres of forest." (Jokic, 2003:121).

However, I would say that the main problem concerning this issue is that "the record of post-war intervention does not lend much support to the overall proposition that the use of force has promoted humanitarian values" (Janzekovic, 2006:129). The intervention's critics insist that NATO actions worsened a bad situation. They argue that most war crimes and ethnic cleansing occurred in Kosovo occurred after the NATO bombing began. "During this period [the first eight weeks of NATO action in Kosovo], over 850,000 Kosovar refugees were forced at gunpoint out of Kosovo and reportedly subjected to widespread abuse by Serb forces. These Kosovars would have an entirely different notion of so-called success of humanitarian intervention in the Balkans." (Janzekovic, 2006:7).

The humanitarian outcome of international intervention in Kosovo was not the best possible outcome because NATO refused to use ground troops, utility was not maximized and many people died. NATO's response was not an adequately robust response to more than a decade of deliberate Serb aggression and atrocities in Balkans. Moreover, there was a real possibility that Serb forces would immediately start killing as many Kosovars as possible if NATO attacked using air power alone. NATO's military response was not proportional to the threat.

NATO should have used ground troops, if they actually thought that military intervention was the only alternative, in order to stop Serb attacks in Kosovo. "Air power alone took too long and it did not quickly stop the killing. NATO action did not do what it specifically intended to do, which was to stop Serbs killing and displacing Kosovars." (Janzekovic, 2006:53).

This having been said, I shall return to the debate over whether there were or not diplomatic alternatives to the military intervention, which, as I have shown, didn't actually reached the proposed objectives.

Reconsidering the Diplomatic Alternatives

Basically, there are two "schools of thought", so to speak, on NATO's action in Kosovo. The first, with which I also agree, stresses upon the fact that the West was wrong to intervene at all or wrong not to consider other options, such as economic sanctions or blockades. Among those who share this view, I would mention Tariq Ali, Noam Chomsky and Peter Gowan, who are highly critical on Western's actions (Williams, 2001:30).

On the other hand, there is a second line of interpretation, which includes key decision makers and the heads of the states throughout the Western alliances, and claims that NATO's actions against Serbia were justified and that military intervention was the only way to stop the conflict.

I shall first deal with the first argument, that is the claim that there were diplomatic alternatives to military intervention.

According to this line of interpretation, the primary motivation for the bombardment was not humanitarian. "It was US' desire to maintain its status as a sole superpower in the world. Control of Europe, through the strengthening of US-led NATO, will ensure hegemony over the transport of rich oil deposits from the Caspian Sea as well as control of European markets. The American military bases in the Balkans-including Camp Bondsteel in Kosovo, the largest US base constructed since the Vietnam War-provide a counterweight to Russian dominance" (Jokic, 2003:121). So, even if there were diplomatic alternatives to military intervention, American interests prevailed over the real objective of stopping the conflict in the most peaceful way possible. NATO's resort to bombing meant that other alternatives and possible solutions to the crisis were ignored.

Now, as we can see, there is some reason to think that all other possibilities for changing the situation the Albanians in Kosovo had not been exhausted.

During the Hague Appeal Conference, it was generally agreed on the fact that there was an alternative to NATO air strikes on Serbia and Kosovo that would have saved more lives than the bombing campaign. In brief, UN endorsement for a large peacekeeping force might have been obtained; at least a

greater effort should have been made. Such a force, together with the OSCE observers who were in Kosovo could have protected civilians — which bombing could not do. The key NATO states, which are also major players on the UN Security Council, could have made an effort to keep non-NATO countries, especially Russia, involved and helping. This should have been done at and after the Rambouillet negotiations and also earlier at Dayton when Kosovo was kept off the agenda. If Russia had been involved as an intermediary with Milosevic, efforts to avoid a Security Council veto of a UN peacekeeping plan might have succeeded. And, if the Council had not been ready to endorse action to maintain peace, the General Assembly could have acted under the Uniting for Peace Resolution of 1950, which like the proposed Council action, would have needed to be under Chapter VII of the Charter since Yugoslavia would not invite the United Nations, or anyone, in to stanch the gross violations of human rights within its borders (Webster, epsusa.com).

Apart from these considerations, another important aspect regarding the international diplomatic efforts is that during the summer of 1998 the highest-profile diplomat in the Balkans, representing the most powerful nation in the world, Richard Holbrooke had told the KLA that independence was within reach; second, the KLA was not included in the October agreement that provided KLA tactical leverage on the ground in Kosovo; and third, that some of the great powers- through their representatives in OSCE's KVM were providing maps and communication equipment to the KLA. This signal of support could hardly be missed, and it would be fair to argue that this must have boosted KLA's morale, speeded up its desire for further international involvement (i.e., by NATO), and deepened its belief that the independence was within reach. In other words, the KLA had nothing to lose from the ongoing process (Henrksen, 2007:159).

Therefore, as complex and contentious as the Kosovo conflict was, we can still identify a series of non-violent resolution, so I disagree that military intervention was the least-bad option at that time. In *Faith and Force*, David Clough states that the short-term and long term approach toward the Balkans should have been cooperative conflict resolution. By that he doesn't mean to say that conflict resolution is a panacea but that its possibilities are often left unexplored, as it is in the case of the Balkan crisis. Moreover, he claims that representatives of Kosovars should have been included in the Dayton peace process, and the status of Kosovo should have already been addressed in the Dayton peace process of 1995. We can identify here the same idea included in the discussions at the Hague Appeal Conference. Another resemblance with the major ideas sustained at the Hague Conference is that the United States should have worked cooperatively with Russia to establish the terms that Russia would accept in the Rambouillet Accords. The anti-war story insists that the Russians were marginalized at Rambouillet, were excluded from key Contact Group decisions, and were kept in the dark about the controversial Appendix B.

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According to Ken Booth and others, this unilateral approach to peacemaking has irrevocably damaged relations between NATO and Russia in such a way that will make future security cooperation in Europe highly problematic (Booth, 2001:226).

Also, various UN members were concerned about KLA's use of force use of force and its designs for power. In this regard, strong efforts should have been made to incorporate moderate and constructive Kosovar Albanian leaders such as Ibrahim Rugova, at the earliest stage possible. In addition to this, if the UN, the United States, and the EU had previously made long term-commitments to the region, they would have encouraged more cooperative attitudes by leaders and better feelings among the population of the Balkan republics (Clough, 2007:105).

As we can see, much reference is made to the Rambouillet Accords as a potential diplomatic solution, an effort which is claimed to have failed.

Nevertheless, I would say that the text of the Accords weren't designed in such a way as to provide a viable diplomatic alternative to military intervention. I would actually say that the Kosovo conflict might have been avoided if the West had adopted a more conciliatory, less aggressive stance towards Milosevic. As Christopher Layne points out, Milosevic was forced to negotiate at Rambouillet with "a gun at his head" (Layne, 1993:6). Like any trapped rat, Milosevic had no choice but to try and fight his way out. The stories about Rambouillet that are told by the anti-war lobby share some characteristics, all of which intimate the general claim that NATO is either utterly incompetent or, like the Habsburgs nearly ninety years earlier, deliberately made the terms of the ultimatum unpalatable to the Serbs, because it wanted to give the FRY a 'punishment beating' (Mccgwure, 2000). As Chomsky put it, "it has been speculated that the wording was designed so as to guarantee rejection. Perhaps so. It is hard to imagine that any country would consider such terms except in the form of unconditional surrender" (Chomsky, 1999:107).

The first generally agreed feature of the Rambouillet Accords is that Rambouillet was a biased pretext for bombing, not an equitable political solution. The Rambouillet accord, the U.S./NATO "peace plan" for Kosovo was presented to Yugoslavia as an ultimatum. It was a "take it or leave it" proposition, as Albright often emphasized back in February. There were, in fact, no negotiations at all, and no sovereign, independent state could have signed the Rambouillet agreement. And, as Christopher Layne argued, the Rambouillet was "a textbook example of how not to practice diplomacy" (Layne, 1999:6). The whole process, he says, was biased against the FRY and that "the United States effectively took sides- the KLA's- in a civil war.

Secondly, the Interim Settlement was unacceptable because it would have heavily affected Serbia's legitimate claim to sovereignty. The accord provided for a very broad form of autonomy for Kosovo. Kosovo would have its own parliament, president, Prime Minister, Supreme Court and security

forces under Rambouillet. The new Kosovo government would be able to negate laws of the federal republic's legislature (unlike U.S. states) and conduct its own foreign policy. All Yugoslav federal army and police forces would have to be withdrawn, except for a 3-mile wide stretch along the borders of the province. A new Kosovar police force would be trained to take over internal security responsibilities. Members of the U.S.-backed KLA (Kosovo Liberation Army) which is supposed to disarm under the agreement could join the police units.

But, in reality, neither the Kosovo police, the KLA, nor the Yugoslav federal forces would be the basic state apparatus under Rambouillet: That function would be reserved for NATO. A 28,000-strong NATO occupation army, known as the KFOR, would be authorized to "use necessary force to ensure compliance with the Accords" (commondreams.org).

As has been reported in the mainstream media, the Yugoslav government indicated its willingness to accept the autonomy part of the agreement, but rejected other sections, including the occupation of Kosovo by NATO, as a violation of its national sovereignty and independence.

Appendix B of the Accords this appendix would have been utterly unpalatable for any sovereign state, other than a state that had already been defeated in a war.

Also, the argument is that Rambouillet envisaged the unaccountable rule of Kosovo by the North Atlantic Council. Eric Herring, for example, pointed out that the Rambouillet text made no mention of NATO being accountable to any outside organization, and particularly not to the United Nations (UN) (Herring, 2000:3).

The accord blatantly violates Yugoslavia's sovereignty such a provocative a manner that it cannot have been accidental. It is not difficult to imagine a working group in the State Department charged with the task of thinking up the most intrusive and insulting clauses possible to insert into the agreement.

I would even say that U.S. policymakers never intended for Yugoslavia's leadership to sign this document. Some of the anti-war writers say that the Rambouillet was just another step in the preparation for war. The role of Rambouillet in this process was to put the on us, unfairly, on the Yugoslav side for the failure to achieve a peaceful resolution, in order to justify the massive bombing of the entire country. According to Ken Booth, Appendix B was a "joker" thrown into the pack to ensure the failure of the talks and legitimate the war (Both, 2001). That "joker", according to Christopher Layne, was the right for NATO to "deploy" anywhere on the territory of the FRY. According to Peter Gowan, the joker was thrown in because "the Clinton administration was seeking a war against Yugoslavia as a means for achieving political goals outside the Balkans altogether" (Gowan, 1999:2).

In addition to this, we should also take into consideration another important aspect: the Interim Settlement was not the only diplomatic solution available. Serbia had actually proposed a peace plan offering substantial autonomy for Kosovo, in effect restoring the autonomy withdrawn in 1989, but this proposition was ignored by NATO. According to Chomsky, the parliamentary resolution rejected the NATO ultimatum and called upon the OSCE and UN to facilitate a peaceful settlement. Would the plan have led to Kosovo's independence? No, but bombing wasn't intended either. Also, we don't know for sure if it would have led to real autonomy, but again, we don't know because NATO never pursued the matter. But in any event, the question is not whether negotiations would have led to the perfectly just outcome, but whether they would have enhanced, rather than detracted from, the cause of justice and humanitarianism more than the bombing campaign has done.

This having been said, I shall briefly present the contrary view regarding the resolution of the conflict, the view which stresses upon the limits of the non-military intervention in the case of Kosovo and the gravity of the situation.

Military intervention- the one and the only solution?

This line of interpretation broadly says that the main reason for the NATO military intervention were humanitarian and that the West, in NATO's guise intervened in order to save a whole ethnic group of people from the repression of the Serbs, bent on mass deportation and indiscriminate killing of civilians.

NATO's "Historical Overview" claims:

During 1998, open conflict between Serbian military and police forces and Kosovar Albanian forces resulted in the deaths of over 1,500 Kosovar Albanians and forced 400,000 people from their homes. The international community became gravely concerned about the escalating conflict, its humanitarian consequences, and the risk of it spreading to other countries. President Milosevic's disregard for diplomatic efforts aimed at peacefully resolving the crisis and the destabilizing role of militant Kosovar Albanian forces was also of concern (nato.int).

In the view of those who support NATO's actions, Kosovo situation does meet the strict criteria for a justified intervention. A defenseless people have been driven from their homes and their arrival in Albania and Macedonia had destabilized a strategically important region. In their interpretation, the claim that the situation got worse after the beginning of NATO bombing stands only if Milosevic is telling the truth and the deportees were driven out by

NATO bombing but according to western intelligence, the Operation Horseshoe was already under way before NATO air strikes (skidelsky.com).

Moreover, they claim that Serbian policy has never been an internal matter: in Kosovo, Milosevic decided to solve an “internal” human rights problem by exporting an entire nation to his impoverished neighbors and by that he destabilized an entire region and guaranteed that there will be armed conflict until the Kosovars can rule themselves free from of Serb repression.

In addition to this, to the argument that NATO’s actions have sent a message that force, rather than law, governs international affairs, the supporters of the military intervention claim that, on the contrary, there are occasions in which if force is not used there is no future law. Failure to reverse the most meticulous deportation of a civilian nation since the Second World War would have set a fatal precedent wherever authoritarian leaders believe that force should substitute for a dialogue in their domestic affairs (Ignatieff, 1999).

Conclusion

There was no internationally-significant human-rights crisis in Kosovo immediately prior to the NATO bombardment that justified its intervention on behalf of the ethnic-Albanian population. In arguing for a humanitarian intervention, NATO applied a standard to Kosovo that it does not apply to other countries, such as Turkey, the U.S., or Israel for that matter. The problems of warfare that existed in Kosovo were largely a result of U.S. support for the KLA, with the intent of causing a crisis that justified intervention. Proponents of the NATO intervention cannot argue that the intervention was humanitarian. The intervention was illegal, destructive, and based on fraudulent claims.

NATO’s argument for the intervention is false or misleading at best. First, the conflict between the Serbian government and KLA forces was *initiated* by NATO in order to create a situation that justified intervention. Second, despite NATO’s revisionist history, no refugee crisis existed until after NATO began its bombardment. William Blum points out that in the real historical timeline, and not NATO’s, the New York Times of March 26 1999 wrote, "With the NATO bombing already begun, a deepening sense of fear took hold in Pristina [the main city of Kosovo] that Serbs would *now* vent their rage against ethnic Albanian citizens in retaliation. [...] Civilians only began to flee after the bombing because NATO bombs, not vengeful Serbs, pushed Kosovars into safer ground" (Blum, 2000:166).

The Rambouillet Accords, which could have provided a viable diplomatic solution for the conflict, were intentionally designed in such a way that no sovereign, independent state would have signed it, as I have shown above. Moreover, the Serbian proposition for a peaceful settlement was not

taken into consideration. Therefore, I would say that the intervention is better understood in terms of NATO's objectives, others than the so called "humanitarian" ones.

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